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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/822,234

04/09/2004

Paul Edward Cuddihy

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10/05/2005

GENERAL ELECTRIC COMPANY

GLOBAL RESEARCH

PATENT DOCKET RM. BLDG. K1-4A59

NISKAYUNA, NY 12309

EXAMINER

TANG, SON M

ART UNIT

PAPER NUMBER

2632

DATE MAILED: 10/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/822,234

Applicant(s)

CUDDIHY ET AL.

Examiner

Son M. Tang

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>6/10/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims **1, 4-10 and 15-18** are rejected under 35 U.S.C. 103(a) as being unpatentable over Kutzik et al. [US 6,108,685; Kutzik] in view of Ichikawa [US 5,153,560].

Regarding claims 1 and 15: **Kutzik** discloses a system for determining whether a resident of a home is inactive within the home or away from the home, comprising:

- at least one motion sensor 304 positioned to detect a first activity (movement) and to transmit a first signal indicative of the first activity;
- at least one exterior door sensor 308 positioned to detect motion (opening) of an exterior door of the home and to transmit a second signal indicative of the motion; and
- a monitoring center 110 in communication with the at least one motion sensor and the at least one exterior door sensor wherein the monitoring center is adapted to determine whether a resident of the home is inactive within the home or is away from the home [see Fig. 1, 3 and col. 6, lines 15-65 and col. 7, lines 5-9 and lines 55-64], **Kutzik** does not specifically disclose that to determine whether a resident is within the home or is away from the home based upon the timing of the first signal relative to the second signal. **Ichikawa** teaches an apparatus for detecting presence of person inside the room or leaves the room based upon the timing of the first detector signal relative to the second detector signal, whereby the

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activity (movement) signal is detected before or after the detected of door signal [as shown in Fig. 1-4, col. 2, lines 27-57]. It would have been obvious of one having ordinary skill in the art at the time of the claimed invention, to implement a timing relatively of first and second detected signals concept to determine the resident presences or away from home as taught by Ichikawa into the system of Kutzik, for the purpose of safety and prevent false alarm.

Regarding claims 4-6: Kutzik and Ichikawa disclose all the limitations as described above, Kutzik further discloses that motion sensor and door sensor are wireless sensors, except for not specifically teach a communications relay panel for relaying the first and second signals to the monitoring center. Since, each sensor comprises a transmitter (306, 312) for relaying detected signal to monitoring center [see Fig. 3], therefore, it would have been obvious of one having ordinary skill in the art to have a communications relay panel in the combination system above, for the benefit of transmitting first and second signals to monitoring center locates at long distance.

Regarding claim 7: Kutzik and Ichikawa disclose all the limitations as described above, Kutzik further discloses that the motion sensor is a inside door sensor [see col. 7, lines 1-14].

Regarding claims 8-9, 16-17: Kutzik and Ichikawa disclose all the limitations as described above, Kutzik further discloses a sensor comprises a transmitter for transmitting the first signal indicative of the first activity and a sensing portion is inherently included in the sensor [see Fig. 3], except for not specifically disclose a signal processor. Examiner taken Official Notice that the signal processor is known in motion detector art, it would have been

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obvious of one having ordinary skill in the art that the signal processor of the motion detector for controlling the signal and detector.

Regarding claims 10 and 18: Kutzik and Ichikawa disclose all the limitations as described above, Ichikawa further teaches that the sensing portion comprises a sensing technique of passive infrared [col. 4, line 43].

3. Claims **2-3, 11-14 and 19-28** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Kutzik et al.** in view of **Ichikawa**, and further in view of **Ellis et al.** [US 5,045,839; Ellis].

Regarding claim 2: Kutzik and Ichikawa disclose all the limitations as described above, except for not specifically teach that wherein the motion sensor comprises a timer adapted to run a pre-selected time period after the detection of the first activity. **Ellis** teaches personnel monitoring man-down alarm and location system comprises a timer 26 to run a pre-selected time period after the detection of the first activity [see Fig. 1, 7 and col. 3, lines 62-68 to col. 4, lines 1-4]. It would have been obvious of one having ordinary skill in the art at the time of the claimed invention to implement a timer with a sensor as taught by Ellis into the sensors of combination above, for the benefit of more accuracy and conserving energy.

Regarding claim 3: Kutzik, Ichikawa and Ellis disclose all the limitations as described above, except for not specifically teach that the pre-selected time period is no greater than five minutes. Since, the timer 220 is a selectable time periods, it is obvious of one having ordinary skill in the art that any appropriate pre-selected time period can be selectable as user desired, including of no greater than five minutes as claimed.

Regarding claim 11: **Kutzik** discloses a system for determining whether a resident of a home is inactive within the home or away from the home, comprising:

- at least one motion sensor 304 positioned to detect a first activity (movement) and to transmit a first signal indicative of the first activity;

- at least one exterior door sensor 308 positioned to detect motion (opening) of an exterior door of the home and to transmit a second signal indicative of the motion; and

- a monitoring center 110 in communication with the at least one motion sensor and the at least one motion sensor and the at least one exterior door sensor wherein the monitoring center is adapted to determine whether a resident of the home is inactive within the home or is away from the home [see Fig. 1, 3 and col. 6, lines 15-65 and col. 7, lines 5-9 and lines 55-64], **Kutzik** further discloses that motion sensor and door sensor are wireless sensors, except for not specifically teach a communications relay panel for relaying the first and second signals to the monitoring center. Since, each sensor comprises a transmitter (306, 312) for relaying detected signal to monitoring center [see Fig. 3], therefore, it would have been obvious of one having ordinary skill in the art to have a communications relay panel in the combination system above, for the benefit of transmitting first and second signals to monitoring center locates at long distance.

Kutzik does not specifically disclose that to determine whether a resident is within the home or is away from the home based upon the timing of the first signal relative to the second signal. **Ichikawa** teaches an apparatus for detecting presence of person inside the room or leaves the room based upon the timing of the first detector signal relative to the second detector signal, whereby the activity (movement) signal is detected before or after the detected of door signal [as

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shown in Fig. 1-4, col. 2, lines 27-57]. It would have been obvious of one having ordinary skill in the art at the time of the claimed invention, to implement a timing relatively of first and second detected signals concept to determine the resident presences or away from home as taught by Ichikawa into the system of Kutzik, for the purpose of safety and prevent false alarm.

Kutzik does not specifically disclose that wherein the motion sensor comprises a timer adapted to run a pre-selected time period after the detection of the first activity. **Ellis** teaches personnel monitoring man-down alarm and location system comprises a timer 26 to run a pre-selected time period after the detection of the first activity [see Fig. 1, 7 and col. 3, lines 62-68 to col. 4, lines 1-4]. It would have been obvious of one having ordinary skill in the art at the time of the claimed invention to implement a timer with a sensor as taught by Ellis into the sensors of combination above, for the benefit of more accuracy and conserving energy.

Regarding claim 12: Refer to consideration of claim 3 above.

Regarding claim 13: Refer to consideration of claim 7 above.

Regarding claim 14: Refer to consideration of claim 8 above.

Regarding claims 19-28: The claimed method steps are interpreted and rejected as rejection stated above.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Vories et al. [US 5,861,806], Lane et al. [US 6,002,994], Thacker [US 6,587,049], Platner et al. [US 5,701,117], Mudge [US 6,850,159] and Seymour [US 5,476,221].

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Son M. Tang whose telephone number is (571)272-2962. The examiner can normally be reached on 4/9 First Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel J. Wu can be reached on (571)272-2964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Son Tang


BENJAMIN C. LEE
PRIMARY EXAMINER